

Minutes of the Work Meeting of the Board of Commissioners, Carbon County, State of Utah, held February 3, 2016 at the Administration Building, Price, Utah, commencing at 2:00 p.m.

Those present: Jae Potter, Commission Chair
 Casey Hopes, Commissioner
 Jake Mellor, Commissioner

Also present: Seth Oveson, Clerk/Auditor
 Lori Perez, Deputy Clerk
 Christian Bryner, Attorney

Clerk's Certificate of Compliance with Open Meeting Law was filed.

Commissioner Potter welcomed everyone to the Work Meeting. The meeting began at 2:05 p.m.

1) Update on State Forestry, Fire and State Lands Issues – Jason Johnson

Jason Johnson, the area manager for State Lands presented a power point presentation. The legislature is considering changes to the Wild Land Fire policy which will affect how they interact with the counties on wild land fire. Jason wanted to give the Commissioners an update and answer any questions they may have. Senate Bill 122 came out on Monday. Jason explained how things work right now under the current policy and how the changes may affect the policy.

Under Utah State law the Division of Forestry, Fire and State Lands has the primary responsibility for control and managing wild land fire. Utah law also gives responsibility to control Wild Land Fires to the county's, through the sheriff's office. Wild Land Fires are defined as a public nuisance and it is something that has to be put out. In 2007 the legislature passed a law allowing the current policy and participating agreement. It also says that the State Forester will take appropriate action and is obligated to put out the fire and that unless the County is in agreement, all of the Wild Land costs on the unincorporated lands are the county's responsibility.

The State hires the Fire Warden and provides him with a truck. The counties are responsible for 50% of his salary. In Carbon County it is 30% of the salary because the Warden is shared with Emery County, it is a 30/20 split. Commissioner Hopes asked why a 30/20 split when Emery County has more forest. Jason didn't know, it was in place before him but he assumed it was because of the history of the fire load. Rudy said it is based on history and fire load on unincorporated private lands not Forest Service or BLM lands.

One of the advantages of the policy is that all of the billing is handled by the State. Under the agreement the County is obligated to pay into a wild plan fire suppression fund and pay fire suppression costs up to the budgeted amount. This amount is based on an eight year fire history, throwing out the low and the high years and averaging the costs. If you spend more than that, the suppression fund kicks in.

Jason explained the Warden's responsibilities including fire suppression, the official representative and expert, training of the local fire departments and assists them in acquiring equipment and certification, he administers the FEEP program and plans and implements fuels projects and other educational outreach programs. As far as costs there are three components, the 50% (30% for Carbon County) of the Warden's salary, costs of direct wild land fire suppression on the unincorporated lands and the wild land fire suppression fund.

After the 2012 fires, there was a desire to reduce the catastrophic fires because of their affects and costs. The catastrophic initiative was proposed to try to reduce the risks. Within that legislation it says that it requires the director of the division to coordinate the development of a statewide wild land fire policy and to report to the legislature with a recommendation. Over the last two years the Division has been working on this policy. The changes recommend adding municipalities along with the State and the counties as participants. Problems have occurred when a fire starts in incorporated areas and burn into unincorporated areas or into Federal lands and become very expensive and no one wants to pay the costs to fight the fire. To resolve this in the new policy the insurance fund goes away and the State picks up the cost of the large fires. In exchange, the counties and municipalities are asked to take action to mitigate fire risks in their own areas of responsibility.

Jason talked about the financial involvement of the county. The warden relationship does not change. Instead of paying for the actual costs of suppression on unincorporated lands there will be an obligation to reduce wild land fire risks. The suppression fund will still use a formula based on medium and high risk acres. Seth asked if the formula still throws out the high and low year or would you use a ten year average. Jason said it still throws out the high and low year. Seth said instead of paying into the State fund we would have to use that amount for risk reduction on a county level.

Jason further explained and showed a slide of acres at risks. The upshot is that the numbers created by the new formula are pretty much the same as the obligation already in place for Carbon County. The difference is instead of sending a check to Salt Lake you are taking action in your own county. Some of the actions would not be a cash outlay but could be in kind actions. The actual dollar outlay should be lower.

Jason discussed the in kind actions that local governments can take. If this agreement is approved by the legislature the fine details would have to be worked out.

Commissioner Mellor asked what kinds of scenarios in the new plan would be more costly to the County. Jason said he does not see it costing Carbon County more. He gave the scenario if there were a couple of high fire years, then the costs would go up, but the old system would do the same. This is a way for the county to reduce their obligation over time and to align everyone's interests. It is based on the unincorporated acres, where the County has more influence on land management.

Jason said there are some counties that are seeing their obligation go up because of past fire loads and their percentage of unincorporated land.

In the case of Carbon County you come out essentially even. Commissioner Mellor asked if our new emergency services supervisor had any questions. Justin Needles thinks it's a good deal for the County and can see benefits. Prevention and preparedness costs can go into the participation match. Commissioner Mellor asked if we use CIB money to purchase equipment does it still go towards that match. Jason said some of it can some can't. He explained the grant process to meet the match and other options.

Commissioner Potter asked what types of fuel management could be used. Jason explained what the possibilities could be and that the County could do it on their own or partner with the division. The options can be timbering, burns or building roads that act as fuel break.

Commissioner Potter said the problem with controlled burn is the issues with the EPA and regional haze. The EPA does not recognize haze as coming from controlled burns or wild fires. We don't want to burn a lot because of this issue. Jason said he agrees with this difficulty. If we address the fuels issues, prescribed fire has to be one of the tools but making it happen is difficult because of the clean air act rules. The EPA sets the threshold for clean air very low and makes it difficult for anyone to do a prescribed burn of any sort.

Seth asked if the required payment is every year or can it be banked for one or two years and then paid on the 3rd year. Jason said he has only read through the proposal once, his recollection is that it is an annual payment. He emphasized that you are not paying into a fund you are simply showing at the end of the year what was spent within your own county. Commissioner Potter said maybe it could be a phased large project spread over three years.

Justin said he could see this where large expenditures fall into one year. Commissioner Hopes asked how it is going to be accounted for and will it be audited every year. Jason said the bill says the division would come up with a mechanism. Currently Jason comes and audits every year and certifies that the County has met their obligation. He assumes it will be similar.

Jason said the fire warden position is currently vacant and applications will be accepted until February 7th. A Commissioner needs to be on the interview panel. Jason is optimistic on the prospects they have received.

Commissioner Hopes asked for the catastrophic fire plans for this year. Jason said the new wild land policy and catastrophic policy aligns everyone's interest to what can be done to reduce major fires. The regional work group has identified priority areas and created a short list to focus on between all of the agencies. One area is the Beaver/Lower Fish Creek where a proposal has been submitted to have the State fund a project in the Lower Fish Creek Watershed on the Division of Wildlife Resource property to create fuel breaks at the bottom of the canyon up to the top. At this point it is in the legislatures hands. If they do not fund the

catastrophic fire control, the Division will look for other avenues to fund the project. They only submitted one project this year.

2) **Implementation of Monument Preservation Fund to help fund Section and Quarter Section corner preservation – Ben Grimes**

Ben Grimes, GIS director, explained how the Public Lands System Survey began. PLSS began in the east and was carried west as the land was settled. In the west the land was divided up into six square mile townships, there are 36 square mile sections in a township. Each section has eight section corner or quarter corners. All of these corners were marked with a monument. In Castle Valley, the original survey started in 1873. This was the result of the Homestead Act of 1862, whose purpose was to lay out monuments on the ground so that the Federal Government could sell or give land to citizens. Originally the section and quarter corners were created with stone which were planted into the ground and additional stones added to create a larger marker. The survey notes were put into the public record. At that time, this established land ownership in the western United States. All land ownership is based on these section corner and quarter corner markers. Keeping track of and maintaining these markers was eventually turned over to the BLM. These corner markers were reestablished with a brass cap starting in 1909.

All land ownership is based on these corner markers which are connected to the taxation of property. Unfortunately we are losing these section and quarter corner markers due to construction, private individuals, farmers and any number of reasons. When they disappear it creates huge problems. The legal description is tied to these corners which puts into questions the property line.

By State law the County surveyor has the responsibility to maintain these corners. The bigger counties have larger staffs that can keep this up. Smaller counties are stuck with no way to do this. Last year the legislature passed SB264 to implement the Survey Monument Replacement Act. The legislature appropriated \$100,000 which is very little money. In that bill there are provisions for counties to implement their own funding. The reason for this is for ownership of the project. This funding could go towards finding, documenting, GPS locating and updating the information on existing and known monuments.

About fifteen years ago, the BLM funded this work but the money gradually ended. In this bill if the County implements monument preservation funds then it will show an interest and could be used as a match for additional funding. The BLM has indicated that if the State passes this bill, then they are interested in funding parts of the project again.

Ben's proposal is to have the County implement a Carbon County Monument Preservation fund and have that money available so that we can apply for grants from the State Committee. The grant could be used internally or to hire a private surveyor to come in and do the documentation. The County would be the manager. The requirements in the bill are very stringent on how the work is to be done.

Ben has prepared a map showing how many section corners are in the County. There are approximately 9,000 section corners. If you discount the ones on BLM and Forest lands and only look at the incorporated areas there are hundreds and hundreds. Many of these have been destroyed and are no longer there. The goal would be to prioritize these first and then work out from there. The amount of money to be spent is up to the Commission. It has been suggested to increase the fees for filing a record of survey by \$5.00, which would raise a couple of hundred dollars. You could also increase the recording fee to bring in more substantial money but he would not want to raise that a lot because there would be complaints. It is not required but having some funding in place would make applying for grants easier. It would show a commitment to the project.

Commissioner Mellor asked what the current recording fee is which is \$10.00. He asked if the idea is to raise the fee to \$12.00 and put the extra two dollars into this fund. Ben said to increase the recordation fee and the survey recording fee for the fund. Laurie Tryon from the Records Office would have more of an idea of what that fee could be. Commissioner Mellor asked Ben if he is aware of other counties doing this. He said there were and more are looking to do this. Other states are already doing this. Ben said the original BLM agreement was for maintaining the corner markers but with the decrease in Federal funds they only do minimal maintenance on their own lands and nothing on private property.

Commissioner Potter asked what it would take to preserve and restore the markers. Ben said it varies because you have to go through a certain process. You have to research where that section corner should be looking at all the evidence including notes, marks on trees or rocks, talking to old residents in the area and

determine if the marker is obliterated with a little bit of evidence left or obliterated with no evidence. He explained how the monument would have to be re-established. It can take from a few hours to a few weeks to complete the work on a single location.

Commissioner Potter asked about a grant that is being advertised which has been extended to February 17th. Should we have a fund established before this date? Ben said it is not noted that you have to establish a fund by that date in order to be eligible but you may be docked on the grant if you do not have a fund.

Commissioner Potter said the next Commissioner Meeting is February 17th. We may need to have a special meeting before then and get the application going. Ben said the amount of money available this year is very limited. Ben said he is looking to the future. They did a project two or three years ago that cost \$10,000 using a local surveyor to document corners. He did not replace them; he found six and documented them. The money does not go very far but it is something needing to be done.

Commissioner Mellor said without this information there could be land issues in the future. Ben said we could continue as is but we already are having issues with legal descriptions. It puts people's property at risks.

Ben would be glad to show them numbers and where he thinks they would want to start. Commissioner Potter asked Jake Mellor who is the elected surveyor and Laurie to work on this and get it on a Commission Meeting agenda. Christian did not see any legal issues except to follow the budgetary process.

Commissioner Mellor will discuss this with Laurie. The Commissioners, Laurie and Ben reviewed the map Ben had brought.

A ten minute break was taken.

3) Update on Airport Master Plan – Jviation

Stephen Berardo, Sarah Munster and Mel Leseberg with Jviation were in attendance. They are here to update the status of the master plan which is required by the FAA. Their focus is what does this mean to the airport itself and where is the County going with the airport. They did a user survey at the airport and held a meeting at the airport. Redtail Aviation has been very helpful. They received good feedback. The general consensus is that the airport is in excellent condition, there are no constraints to the operation, and the FBO provides excellent services. The survey had a number of requests for additional facilities which should be provided by the FAA. They were remote communications, outlet, transmitter, terminal weather forecast and better radar coverage.

Jviation is going to submit a formal request into the FAA. They are passing the recommendation to John Sweeney who is working with them from the FAA. They will also be reaching out to FAA flight procedures.

They will probably not put in a new radar system because they are working on a new traffic control system. The new system is a satellite based system called Next Gen. It is basically a transmitter on the airplane that the satellite picks up but requires new equipment. Ground based radar is obsolete.

Stephen said the activity at the airport is estimated based on conversations with Redtail and the operators. The activity has been declining over the last ten to twelve years based on a variety of trends. Corporate traffic had been going up and down. Corporate traffic is very closely tied to the stock market and profits; it will keep fluctuating in the future. The local economy affects what can be provided at the airport. The price of airplanes has gone up, fuel fluctuates and there are other variable. One trend occurring is the shortage of pilots. Major airlines are cutting services because of the lack of pilots. This may be a long term trend.

Based on the local survey results from the operators, the FBO does a good job marketing the airport, providing services and accommodating the traffic. High fire season sees more traffic and the last major fire in 2012 generated traffic at the airport. The area offers life flight service and freight services.

Stephen asked what direction the traffic will go over the next ten to twenty years. It will be affected by the economy, cost of flying, fuel availability, and the quantity of pilots. The FAA thinks that our traffic will stay flat. He discussed the different forecast scenarios.

aviation wrestles with the impact of the fluctuation of the gas and oil market on the airport. Stephen feels that the middle of the road is a reasonable balance between these trends. Given the condition of the airport there is a need for space for additional hangars and tie downs. Utilities are in place for hangar development and there is space for increased parking. There is also room for non-aeronautical commercial development, which could be a good revenue generator for the County. An important aspect for this from the FAA perspective is noise sensitivity which won't interfere with airport operations and any addition will not occur on property that may be needed for future aviation development.

The next step in this process is to go into more detail, cost estimates and specific facility requirements for the future. Commissioner Mellor asked about hangar development and if their next report would recommend what kinds of hangars could be developed.

Stephen explained hangar development and the generation of land lease for hangars. This is a benefit with limited capital outlay. One recommendation is that the leases signed with the tenants have a reversion clause so that at the end of a period of time, the ownership of that improvement reverts to County.

If the County were to decide to build hangars, the County would have the advantage of growth and the revenue for rental space. This requires capital investment with a risk and you would need tenants waiting to rent hangars. Tie downs are usually funded by the County as well as improvements to the taxiways and runways.

Mel said that the FAA will not do any paving closer than thirty-five feet in front of private hangars. The County or private owner would have to pay for the pavement. He further explained the hangar issue. One option is to offer the tenant a benefit, with improvements and keeping up their hangar, a year or two could be added to the lease. This gives the renter additional incentives.

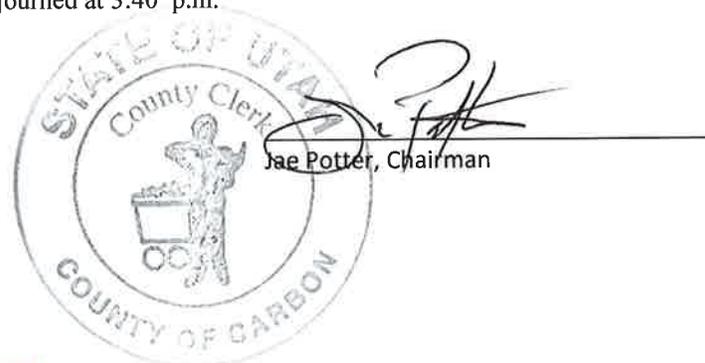
Stephen said the FAA requirements are if the County enters into an exclusive use agreement with any tenant, that exclusive use space is not eligible for FAA funds. The County can pay for it and sometimes the State can, but the FAA will not participate in those types of improvements with exclusive agreements. The FAA will not accept a lease for more than fifty years long.

Commissioner Potter said the timeline for the final report is due in late spring. Aviation will come back in a couple of months with a list of hangar layouts, revenue potential, business models and how to proceed. One of the items required is mapping that the FAA wanted. This has been completed.

Mel said this is a nice airport, it is very well maintained, you have put money into improving the airport and it is awesome. The operators said the same things. They are spreading the word to come here.

Commissioner Mellor made a motion to adjourn. Commissioner Hopes seconded. Motion carried.

The meeting adjourned at 3:40 p.m.



ATTEST:


Seth Oveson, County Clerk/Auditor

